

03/11/04 THU 12:50 [TX/RX NO 8242]

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIAHEALTHY SOLUTIONS, LLC dba DIRECT  
BUSINESS CONCEPTS, a California *limited liability corporation*  
v.  
ITV DIRECT, INC., a Massachusetts corporation;  
and DOES 1-1 *inclusive*,

PLAINTIFF(S)

DEFENDANT(S).

CASE NUMBER

CV 04 - 00236 SGL

## SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
Becky V. Christensen, Esq., whose address is:LEVIN & O'CONNOR  
384 Forest Ave, Suite 13  
Laguna Beach, CA 92651  
Telephone: (949) 497-7676 Fax: (949) 497-7679an answer to the ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim  
which is herewith served upon you within 20 days after service of this Summons upon you, exclusive  
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief  
demanded in the complaint.

SHERRI R. CARTER

Clerk, U.S. District Court

Dated: \_\_\_\_\_

MAR 03 2004

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

17478 ON XR/XLI 09:21 JHL 40/11/00

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> )  HEALTHY SOLUTIONS, LLC dba DIRECT BUSINESS CONCEPTS, a California limited liability corporation  <b>(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):</b> San Bernadino County  <b>(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b> Becky V. Christensen, Esq. (SBN 147013) LEVIN & O'CONNOR 354 Forest Ave, Suite 13, Laguna Beach, CA 92651. Ph: 949-497-7676 Fax: 949-497-7679		<b>DEFENDANTS</b>  ITV DIRECT, INC. a Massachusetts corporation; and DOES 1-15, Inclusive.  <b>County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):</b> Essex County, MA  <b>Attorneys (If Known)</b>							
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width: 40%; vertical-align: top;">           Citizen of This State             Citizen of Another State             Citizen or Subject of a Foreign Country         </td> <td style="width: 10%; text-align: center; vertical-align: top;">           PTF DEF  <input checked="" type="checkbox"/> 1   <input type="checkbox"/> 1   <input type="checkbox"/> 2   <input checked="" type="checkbox"/> 2   <input type="checkbox"/> 3   <input type="checkbox"/> 3         </td> <td style="width: 40%; vertical-align: top;">           Incorporated or Principal Place of Business in this State             Incorporated and Principal Place of Business in Another State             Foreign Nation         </td> <td style="width: 10%; text-align: center; vertical-align: top;">           PTF DEF  <input checked="" type="checkbox"/> 4   <input type="checkbox"/> 4   <input type="checkbox"/> 5   <input checked="" type="checkbox"/> 5   <input type="checkbox"/> 6   <input type="checkbox"/> 6         </td> </tr> </table>		Citizen of This State  Citizen of Another State  Citizen or Subject of a Foreign Country	PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1  <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2  <input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated or Principal Place of Business in this State  Incorporated and Principal Place of Business in Another State  Foreign Nation	PTF DEF <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4  <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5  <input type="checkbox"/> 6 <input type="checkbox"/> 6		
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<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Recopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge									
<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint) <b>CLASS ACTION under F.R.C.P. 23:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT: \$ 1,821,864.00</b>									
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Breach of contract; Account stated; and Open account.									
<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) <table style="width:100%; border: none;"> <tr> <td style="width: 20%; vertical-align: top;"> <b>OTHER STATUTES</b>  <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 410 Antitrust  <input type="checkbox"/> 430 Banks and Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc.  <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations  <input type="checkbox"/> 810 Selective Service  <input type="checkbox"/> 850 Securities/Commodities/Exchange  <input type="checkbox"/> 875 Customer Challenge 12 USC 3410  <input type="checkbox"/> 891 Agricultural Act  <input type="checkbox"/> 892 Economic Stabilization Act  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 894 Energy Allocation Act  <input type="checkbox"/> 895 Freedom of Information Act  <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice  <input type="checkbox"/> 950 Constitutionality of State Statutes  <input type="checkbox"/> 890 Other Statutory Actions         </td> <td style="width: 20%; vertical-align: top;"> <b>CONTRACT</b>  <input type="checkbox"/> 110 Insurance  <input type="checkbox"/> 120 Marine  <input type="checkbox"/> 130 Miller Act  <input type="checkbox"/> 140 Negotiable Instrument  <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. 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<b>VIII(a). IDENTICAL CASES:</b> Has this action been previously filed and dismissed, remanded or closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, list case number(s):									
<b>FOR OFFICE USE ONLY:</b> Case No. <b>04 CV 04 - 60296</b>									

COPY

17428 ON XR/XL 09:21 NHI 40/11/80

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(h). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;  
☐ B. Involve the same or substantially the same parties or property;  
☐ C. Involve the same patent, trademark or copyright;  
☐ D. Call for determination of the same or substantially identical questions of law, or  
☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)  
☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

SAN BERNADINO COUNTY, CA

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).  
☐ Check here if the U.S. government, its agencies or employees is a named defendant.

STATE OF MASSACHUSETTS

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)  
 Note: In land condemnation cases, use the location of the tract of land involved.

SAN BERNADINO COUNTY, CA

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date

March 3, 2004

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

03/11/04 THU 12:50 [TX/RX NO 8242]

1 William E. Levin, Esq. (State Bar No. 104631)  
2 Becky V. Christensen, Esq. (State Bar No. 147013)  
3 Craig McLaughlin, Esq. (State Bar No. 182876)  
4 LEVIN & O'CONNOR  
5 384 Forest Avenue, Suite 13  
6 Laguna Beach, California 92651  
7 Telephone: (949) 497-7676  
8 Facsimile: (949) 497-7679

9 Attorneys for Plaintiff,  
10 HEALTHY SOLUTIONS, LLC

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 EASTERN DIVISION

14 HEALTHY SOLUTIONS LLC, a  
15 DIRECT BUSINESS CONCEPTS, a  
16 California limited liability corporation,

17 Plaintiff,

18 vs.

19 ITV DIRECT, INC., a Massachusetts  
20 corporation; and DOES 1-15, inclusive,

21 Defendants.  
22  
23  
24  
25  
26  
27  
28

FILED  
MAR 13 2004 PM 1:03  
SCL  
ED CV 04-00237 SCL  
CASE NO.

COMPLAINT FOR:

- 1) BREACH OF CONTRACT;
- 2) ACCOUNT STATED; AND
- 3) OPEN ACCOUNT.

DEMAND FOR JURY TRIAL

03/11/04 THU 12:50 [TX/RX NO 82421]

1 Plaintiff HEALTHY SOLUTIONS, LLC dba DIRECT BUSINESS CONCEPTS  
2 ("HEALTHY SOLUTIONS") alleges as follows:

3 JURISDICTION AND VENUE

4 1. Plaintiff HEALTHY SOLUTIONS is a business organized and existing  
5 under the laws of the State of California, with its principal offices in San Bernardino  
6 County, California.

7 2. Defendant ITV DIRECT, INC. ("ITV DIRECT") is, upon information and  
8 belief, incorporated in the Commonwealth of Massachusetts and its corporate  
9 headquarters are located in Beverly, Massachusetts. DEFENDANT is also doing  
10 business in this judicial District and has substantial, systematic and continuous contacts  
11 with it, in that defendant sells goods in this District and entered into this contract in  
12 this District. The claims asserted in this Complaint arose in this District and  
13 substantially occurred in this District.

14 3. Plaintiff HEALTHY SOLUTIONS does not know the true names and  
15 capacities, whether individual, corporate, partnership or otherwise of the defendants  
16 named here as DOES 1-10, inclusive. Plaintiff HEALTHY SOLUTIONS, therefore,  
17 sues these defendants by such fictitious names. Plaintiff HEALTHY SOLUTIONS  
18 will seek leave of Court to amend this Complaint to assert the DOES' true names and  
19 capacities when they have been ascertained.

20 4. Plaintiff HEALTHY SOLUTIONS alleges, on information and belief, that at  
21 all relevant times, each of the defendants, including DOES 1-10, inclusive, were agents  
22 and employees of the other defendants and in doing the acts mentioned below, each  
23 defendant was acting within the scope of his or her authority as such agent and  
24 employee and with the permission and consent of his or her co-defendants. Plaintiff  
25 further alleges that each defendant, including DOES 1-10, were responsible in some  
26 manner for the acts and omissions alleged in this complaint, and that plaintiff's  
27 damages, both existing and prospective, are, were and will be proximately caused by  
28 the acts and omissions of the defendants, including DOES 1-10, inclusive.

[7:28 ON XN/XL] 09:21 NML 40/11/00

1           5. This Court has jurisdiction over this action under 28 U.S.C. § 1332, as there  
2 is diversity of citizenship between the parties, and the amount in controversy exceeds  
3 the sum of Seventy Five Thousand Dollars (\$75,000.00), exclusive interest and costs.

4           6. Venue is proper in this District under 28 U.S.C. §1391(a), (b) and (c).

5                               FIRST CAUSE OF ACTION

6                               BREACH OF CONTRACT

7           7. Plaintiff HEALTHY SOLUTIONS formulated a nutritional supplement  
8 based on enhanced and organically grown vegetables, grains, grasses and herbs.

9           8. HEALTHY SOLUTIONS named this product "Supreme Greens" and used  
10 the mark in interstate commerce.

11           9. PLAINTIFF originally and continuously and exclusively offered its product  
12 bearing the mark "Supreme Greens" since at least as early as 2003, and has since then  
13 expanded its business geographically throughout the United States and internationally,  
14 including through an Internet web site.

15           10. Today, the company enjoys a reputation for excellence and quality under the  
16 Supreme Greens trade name and marks throughout the United States and  
17 internationally.

18           11. In 2003, HEALTHY SOLUTIONS entered into a Distribution Agreement  
19 dated April 4, 2003 with Defendant ITV DIRECT ("Agreement"). The Agreement,  
20 provides *inter alia*, that Plaintiff will manufacture and sell Supreme Greens with MSM  
21 to Defendant for a specified price of \$6.50 per bottle, later reduced to \$6.00 per bottle.

22           12. Plaintiff has performed all conditions, covenants, and promises required on  
23 its part to be performed in accordance with the terms and conditions of the Agreement.

24           13. Defendant breached the Agreement in failing to pay as agreed for products  
25 delivered to Defendant. The outstanding and past due invoices are attached hereto as  
26 Exhibit B and by this reference incorporated herein.

27           14. Plaintiff has repeatedly demanded payment and full performance of the  
28 Agreement by Defendant; however, Defendant has refused to pay the sums past due



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1 and owing.

2 15. As a result of Defendant's breach of the Agreement, Plaintiff has been  
3 damaged in the sum to be proven at trial, but in no event less than one million eight  
4 hundred twenty one thousand eight hundred sixty four dollars (\$1,821,864.00).

5 SECOND CAUSE OF ACTION

6 ACCOUNT STATED

7 16. Plaintiff hereby incorporates and realleges paragraphs 1 through 15 of its  
8 Complaint.

9 17. The invoices attached hereto as Exhibit A constitute an account stated for  
10 which payment is past due and owing, with interest accruing thereon from the date of  
11 each invoice at the highest rate allowed by law in an amount to be proven at trial but in  
12 any event not less than \$ 1,821,864.00.

13 THIRD CAUSE OF ACTION

14 OPEN ACCOUNT

15 18. Plaintiff hereby incorporates and realleges paragraphs 1 through 17 of its  
16 Complaint.

17 19. Defendant's failure to pay the sums due as herein alleged constitute an open  
18 book account for goods delivered, specifically an estimated 303,644 units of Supreme  
19 Greens product, at the special instance and request of Defendant.

20 20. Although demand has been made, there is now due, owing and unpaid a  
21 sum in an amount to be proven at trial but in any event not less than \$1,821,864.00  
22 with interest accruing thereon at the highest rate allowed by law.

23 WHEREFORE, Plaintiff HEALTHY SOLUTIONS LLC prays for judgment  
24 against defendants, and each of them, as follows:

25 1. For compensatory damages in a sum to be proven at trial, but in any event  
26 not less than \$ 1,821,864.00;

27 2. For pre-judgment and post judgment interest at the highest rate allowed  
28 by law;

03/11/04 THU 12:50 [TX/RX NO 82421]

1 3. For reasonable attorney's fees;

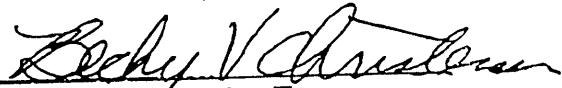
2 4. For costs of suit; and

3 5. For any and such other further relief as the court may deem proper.

4 LEVIN & O'CONNOR

5  
6 Dated: March 3, 2004

By:

  
William E. Levin, Esq.

Becky V. Christensen, Esq.

Attorney for Plaintiff

HEALTHY SOLUTIONS, INC.




03/11/04 THU 12:50 TX/RX NO 82421

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury of all issues so triable in this action pursuant to Federal Rules of Civil Procedure 38(a).

LEVIN & O'CONNOR

Dated: March 3, 2004

By:   
Becky V. Christensen, Esq.  
Attorney for Plaintiff  
HEALTHY SOLUTIONS, INC.

17428 ON XH/XL 05:21 NHT 40/11/03

Mar 01 04 09:15a

HEALTH SOLUTIONS

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p.5

**Direct Business Concepts**1042 North Mountain Ave #501  
Upland, CA 91786

Phone: 909.931.4907 Fax: 858.777.5548

**Invoice**

Date	Invoice #
12/31/2003	21

Bill To
Direct Marketing Concepts/ ITV Direct Bob Maihos 900 Cummings Center Suite #B07-U Beverly, MA 01915

Ship To
Direct Marketing Concepts/ ITV Direct Bob Maihos 100 Cummings Center Suite #143H, Dock #144Q Beverly, MA 01915

P.O. Number	Terms
1101	Net 30

Quantity	Description	Price Each	Amount
50,013	Supreme Greens with MSM: Capsules (SHIPPED ON 12-29-03)	6.00	300,078.00
		<b>Subtotal</b>	\$300,078.00
		<b>Sales Tax (0.0%)</b>	\$0.00
		<b>Total</b>	\$300,078.00
		<b>Payments/Credits</b>	\$0.00
		<b>Balance Due</b>	\$300,078.00

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Mar 01 04 09:16a HEALTH SOLUTY NS

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p. 6

**Direct Business Concepts**1042 North Mountain Ave #501  
Upland, CA 91786

Phone: 909.931.4907 Fax: 858.777.5548

**Invoice**

Date	Invoice #
1/9/2004	22

<b>Bill To</b>
Direct Marketing Concepts/ ITV Direct Bob Maihos 900 Cummings Center Suite #B07-U Beverly, MA 01915

<b>Ship To</b>
Direct Marketing Concepts/ ITV Direct Bob Maihos 100 Cummings Center Suite #14311, Deck #141Q Beverly, MA 01915

P.O. Number	Terms
1101	Net 30

Quantity	Description	Price Each	Amount
30,912	Supreme Greens with MSM: Capsules (SHIPPED ON 1-5-04)	6.00	185,472.00
		<b>Subtotal</b>	\$185,472.00
		<b>Sales Tax (0.0%)</b>	\$0.00
		<b>Total</b>	\$185,472.00
		<b>Payments/Credits</b>	\$0.00
		<b>Balance Due</b>	\$185,472.00

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HEALTH SOLUT NS

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P. 7

**Direct Business Concepts**1042 North Mountain Ave #501  
Upland, CA 91786

Phone: 909.931.4907 Fax: 858.777.5548

**Invoice**

Date	Invoice #
1/14/2004	23

Bill To
Direct Marketing Concepts/ ITV Direct Bob Maihos 900 Cummings Center Suite #B07-U Beverly, MA 01915

Ship To
Direct Marketing Concepts/ ITV Direct Bob Maihos 100 Cummings Center Suite #14311, Dock #144Q Beverly, MA 01915

P.O. Number	Terms
1101	Net 30

Quantity	Description	Price Each	Amount
49,920	Supreme Greens with MSM: Capsules	6.00	299,520.00
4,032	Supreme Greens with MSM: Powder	6.00	24,192.00
	(SHIPPED ON 1-14-04)		
		<b>Subtotal</b>	\$323,712.00
		<b>Sales Tax (0.0%)</b>	\$0.00
		<b>Total</b>	\$323,712.00
		<b>Payments/Credits</b>	\$0.00
		<b>Balance Due</b>	\$323,712.00

[2428 ON XR/XL] 09:21 DNL 40/11/00

Mar 01 04 09:16a

HEALTH SOLUTIONS

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P. 8

**Direct Business Concepts**1042 North Mountain Ave #501  
Upland, CA 91786

Phone: 909.931.4907 Fax: 858.777.5548

**Invoice**

Date	Invoice #
1/21/2004	24

Bill To
Direct Marketing Concepts/ ITV Direct Bob Maihos 900 Cummings Center Suite #B07-U Beverly, MA 01915

Ship To
Direct Marketing Concepts/ ITV Direct Bob Maihos 100 Cummings Center Suite #143H, Dock #144Q Beverly, MA 01915

P.O. Number	Terms
1101	Net 30

Quantity	Description	Price Each	Amount
57,600	Supreme Greens with MSM: Capsules	6.00	345,600.00
5,091	Supreme Greens with MSM: Powder	6.00	30,546.00
	(SHIPPED ON 1-21-04)		

<b>Subtotal</b>		\$376,146.00
<b>Sales Tax (0.0%)</b>		\$0.00
<b>Total</b>		\$376,146.00
<b>Payments/Credits</b>		\$0.00
<b>Balance Due</b>		\$376,146.00

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HEALTH SOLUTIONS

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p. 9

**Direct Business Concepts**1042 North Mountain Ave #501  
Upland, CA 91786

Phone: 909.931.4907 Fax: 958.777.5548

**Invoice**

Date	Invoice #
1/29/2004	15

<b>Bill To</b>
Direct Marketing Concepts/ITV Direct Bob Mathos 900 Cummings Center Suite #B07-U Beverly, MA 01915

<b>Ship To</b>
Direct Marketing Concepts/ITV Direct Bob Mathos 100 Cummings Center Suite #14311, Dock #144Q Beverly, MA 01915

		P.O. Number	Terms
		1101	Net 30
Quantity	Description	Price Each	Amount
48,000	Supreme Greens with MSM: Capsules	6.00	288,000.00
5,036	Supreme Greens with MSM: Powder (SHIPPED ON 1-29-04)	6.00	30,216.00
		<b>Subtotal</b>	\$318,216.00
		<b>Sales Tax (0.0%)</b>	\$0.00
		<b>Total</b>	\$318,216.00
		<b>Payments/Credits</b>	\$0.00
		<b>Balance Due</b>	\$318,216.00

[2428 ON XR/XL] 09:21 DHL 10/11/00

Mar 01 04 09:17a

HEALTH SOLUTIONS

6269631227

p. 14

## Direct Business Concepts

1042 North Mountain Ave #501  
Upland, CA 91786

Phone: 909.931.4907 Fax: 858.777.5548

## Invoice

Date	Invoice #
2/6/2004	26

<b>Bill To</b>
Direct Marketing Concepts/ ITV Direct Bob Maihos 900 Cummings Center Suite #B07-U Beverly, MA 01915

<b>Ship To</b>
Direct Marketing Concepts/ ITV Direct Bob Maihos 100 Cummings Center Suite #143H, Dock #144Q Beverly, MA 01915

P.O. Number	Terms
1101	Net 30

Quantity	Description	Price Each	Amount
48,000	Supreme Greens with MSM: Capsules	6.00	288,000.00
5,040	Supreme Greens with MSM: Powder (SHIPPED ON 2-6-04)	6.00	30,240.00
		<b>Subtotal</b>	\$318,240.00
		<b>Sales Tax (0.0%)</b>	\$0.00
		<b>Total</b>	\$318,240.00
		<b>Payments/Credits</b>	\$0.00
		<b>Balance Due</b>	\$318,240.00



03/11/04 THU 12:50 [TX/RX NO 8242]

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE TO COUNSEL**

Your case has been randomly assigned to Magistrate Judge in accordance with General Order 03-13. If all parties consent, this case shall remain with Judge Larson for all purposes, including jury and non-jury trials and the entry of final judgment, pursuant to provision of 28 U.S.C § 636(c) and F.R. Civ.P. 73(b). If any party fails to consent within (5) days of the filing of a dispositive motion or application for temporary or permanent injunctive relief, or (5) days before the Final Pre-Trial Conference, whichever occurs earlier, the case shall be reassigned to Judge Robert J. Timlin, to whom the case would have been assigned initially.

The party or parties are advised that they are free to withhold consent without adverse substantive consequences.

**YOU ARE HEREBY DIRECTED TO SERVE THIS NOTICE AND CONSENT  
FORM ON EACH PARTY SERVED IN THE ACTION.**

**CLERK, UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CV-20 ED (01/04)

NOTICE TO COUNSEL

P.11733

10:919/892226464

MAR-11-2004 12:49 FROM:

03/11/04 THU 12:50 [TX/RX NO 8242]

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE FROM THE CLERK

Effective January 1, 2004, the Central District of California has established an Eastern Division pilot project. Under the pilot project, Magistrate Judge Stephen G. Larson, the resident magistrate judge in the Eastern Division, to be included in the pool of judicial officers for random selection as the assigned judge for all civil cases except death penalty habeas petitions, bankruptcy appeals, and cases referred to a magistrate judge for a Report and Recommendation.

The Clerk shall provide a Notice and Consent Form to the filing party who shall serve the Form on each party served in the action. If all parties consent, the case shall remain assigned to Magistrate Judge Larson for all purposes, including jury and non-jury trials and the entry of final judgment, pursuant to the provision of 28 U.S.C. § 636(c) and F.R. CivP. 73(b). If any party fails to consent within (5) days of the filing of a dispositive motion or application for temporary or permanent injunctive relief, or (5) days before the final pre-trial conference, whichever occurs earlier, the case shall be reassigned to Judge Robert J. Timlin to whom the case would have been assigned initially.

The party or parties are advised that they are free to withhold consent without adverse substantive consequences.

Subsequent documents for these cases must be filed at the location where the District Judge is located: Eastern Division, 3470 Twelfth St., Rm. 134, Riverside, CA 92501.

You may obtain a copy of the new General Order 03-13 by visiting the Court's website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov).

SHERRI R. CARTER,  
DISTRICT COURT EXECUTIVE

03/11/04 THU 12:50 [TX/RX NO 82421]

**UNITED STATE DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE TO COUNSEL**

Your case has been randomly assigned to Magistrate Judge Stephen G. Larson in accordance with General Order 03-13. If all parties consent, this case shall remain with Judge Larson for all purposes, including jury and non-jury trials and the entry of final judgment, pursuant to provision of 28 U.S.C. § 636(c) and F.R. CivP. 73(b). If any party fails to consent within (5) days of the filing of a dispositive motion or application for temporary or permanent injunctive relief, or (5) days before the Final Pre-Trial Conference, whichever occurs earlier, the case shall be reassigned to Judge Robert J. Timlin, to whom the case would have been assigned initially.

The party or parties are advised that they are free to withhold consent without adverse substantive consequences.

**YOU ARE HEREBY DIRECTED TO SERVE THIS NOTICE AND CONSENT FORM  
ON EACH PARTY SERVED IN THE ACTION.**

**CLERK, UNITED STATE DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

[2628 ON XR/XL] 09:21 THU 40/11/00

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR OR, PLAINTIFF OR  
DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

ATTORNEYS FOR:

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

CASE NUMBER

Plaintiff(s),

Defendant(s)

CONSENT TO MAGISTRATE JUDGE OR  
REQUEST FOR REASSIGNMENT FOR  
EASTERN DIVISION PILOT PROJECTCONSENT TO PROCEED BEFORE MAGISTRATE JUDGE STEPHEN G. LARSON  
IN ACCORDANCE WITH GENERAL ORDER 03-13

All parties to the above-captioned civil matter are to check one of the two following options and file this document with the Clerk's Office:

- ☐ In accordance with the provisions of 28 U.S.C. §636(c) and F.R.Civ.P. 73(b), the undersigned party or parties to the above-captioned civil matter hereby waive their right to proceed before District Judge Robert Timlin and consent to have Magistrate Judge Stephen G. Larson conduct any and all further proceedings in this case (including the trial) and order the entry of final judgment.

Any appeal from a judgment of Magistrate Judge Larson shall be taken to the United States Court of Appeals in the same manner as an appeal from any other judgment of the District Court in accordance with 28 U.S.C. §636(c)(3).

- ☐ The undersigned party or parties to the above-captioned civil matter do not consent to proceed before Magistrate Judge Larson and hereby request reassignment to District Judge Robert Timlin. The party or parties understand that Magistrate Judge Larson will remain assigned to the case for purposes of any referred discovery matters.

The undersigned party or parties acknowledge that they are free to withhold consent without adverse substantive consequences.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Name of Counsel

Signature

Counsel for (Name Parties)

Subsequent documents must be filed at the:  
Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

CV-11 ED (01/04)

CONSENT TO MAGISTRATE JUDGE OR REQUEST FOR REASSIGNMENT FOR  
EASTERN DIVISION PILOT PROJECT

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF FILING LOCATION POLICY**

Effective March 1, 2002, all documents must be presented for filing at the division where the case is pending.

Criminal, capital habeas corpus petitions and civil cases, except those enumerated below, are deemed pending in the division where the district judge holds court. Therefore, subsequent documents for these cases must be filed at the location where the district judge is located.

Non-capital habeas corpus petitions, pro se civil rights cases, social security cases and other matters referred to a magistrate judge are deemed pending where the magistrate judge holds court. Therefore, subsequent documents for these cases must be filed at the location where the magistrate judge is located.

Subsequent documents in this case must be filed at the following location:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Western Division | <input type="checkbox"/> Southern Division | <input type="checkbox"/> Eastern Division |
| 312 N. Spring St., Rm G-8                 | 411 West Fourth St., Rm 1053               | 3470 Twelfth St., Rm. 134                 |
| Los Angeles, CA 90012                     | Santa Ana, CA 92701-4516                   | Riverside, CA 92501                       |

**A COPY OF THIS NOTICE MUST BE SERVED WITH THE SUMMONS AND COMPLAINT (IF A REMOVAL ACTION IS FILED, A COPY OF THIS NOTICE MUST BE SERVED ON ALL PLAINTIFFS).**

**DOCUMENTS NOT FILED AT THE PROPER LOCATION WILL BE RETURNED TO THE FILER.**

**SHERRI R. CARTER  
DISTRICT COURT EXECUTIVE**

03/11/04 THU 12:50 [TX/RX NO 8242]



## Central District of California U.S.D.C.

## Services

Subject:  
Clerk's Office Services

Section:  
Services for Attorneys and the General Public

Last Updated:  
06/25/2003

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA



CLERK'S OFFICE SERVICES  
FOR ATTORNEYS  
AND THE GENERAL PUBLIC

The United States District Court, Central District of California is one of the largest federal courts in the nation. The clerk's office has put this brochure together to provide a quick reference for attorneys and the general public regarding the services that are currently available. Feedback and suggestions as to how we might improve our service are always appreciated.

## Web Site

The district court is now on line. Gather information about attorney admissions and filing procedures; review master and daily calendars, requirements for court appearances, Local Rules, General Orders and recently issued opinions; obtain extensive attorney assistance information and available court services; download court forms and keep apprised of recent innovations in the clerk's office. Visit the court's home page at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov).

## Office Hours

The clerk's office hours are 8:30 A.M. - 4:00 P.M., Monday-Friday, excluding court observed holidays. For after hour emergency filings, call the following telephone numbers: Western Division: (213)894-2215 or (213)894-3651; Southern Division: (714)338-4786; Eastern Division: (909)276-6242.

## PACER

The "Public Access to Court Electronic Records" (PACER) is an electronic retrieval system that provides criminal and civil summaries and docket information using a computer terminal. The docket information may be downloaded for printing or may be viewed on screen. The PACER service is available 24 hours a day, including weekends. For more information, call (800)676-6856.

## Optical Scanning Program

The optical scanning system allows attorneys, including out-of-state attorneys, to quickly receive service of civil judgments, orders and other documents issued by the court by facsimile or internet e-mail transmission. There is no charge for this service. To sign up, please obtain an enrollment form from the clerk's office at any division or through the court's website, or call (213)894-5474. A one-time enrollment is all that is necessary in order to be registered for this system.

The system will eventually be expanded to include service of criminal judgments and orders and other civil documents involving third parties.

## Records

All pending criminal, civil, magistrate, and MDL cases may be reviewed, at no charge, at the clerk's office. Case files and dockets may be viewed on the same day as requested unless the requested material is unavailable.

<http://156.131.20.219/intranet/Services.nsf/fb0f3e06968824ee882567cf006ae80d/7a5f2819...> 12/1/2003

12:50 PM 04/11/04  
 [7478 ON XR/XL] 05:21 PM 04/11/04  
 Services for Attorneys and the General Public

Certain closed cases are located at the court's storage facility. These files will take several days to retrieve and are subject to a retrieval fee. To identify which clerk's office maintains the case file you wish to view, please refer to the prefix of the case number (two digits after the letters represent the filing year, for example, 00 is year 2000) as follows:

**Western Division (Los Angeles)**

- CV 00-0000 - civil
- CR 00-0000 - criminal

**Southern Division (Santa Ana)**

- SACV 00-0000 - civil
- SACR 00-0000 - criminal

**Eastern Division (Riverside)**

- EDCV 00-0000 - civil
- EDCR 00-0000 - criminal

Viewing hours are from 8:30 A.M. - 4:00 P.M., Monday-Friday, excluding federal holidays. There is a charge for copies, certifications, and exemplifications. For more information on closed or archived court records, call the appropriate division or visit the court's website. The telephone numbers are listed on the back page of this brochure.

**Interpreter Services**

The interpreter services section of the clerk's office provides interpreters for all criminal cases that require the use of a language other than English, including American Sign Language. The interpreters services section also makes interpreter referrals in response to inquiries from private law firms for civil cases or matters pending in state court. For further information, call (213)894-4370.

**Attorney Work Room**

For attorneys, a work room is located on the second floor of the Spring Street Courthouse, on the first floor of the Roybal Federal Building, and on the tenth floor of the Ronald Reagan Federal Building and U.S. Courthouse. The workrooms have Pentium personal computers with access to the Internet, Westlaw, WordPerfect, and PACER; laser printers, storage lockers, copy machines and individual conference rooms.

**Evidence Presenters**

The clerk's office has evidence presenters available for attorneys to use in court proceedings. This technology connects an overhead projector to monitors which display pictures for the judge, attorneys and the jury. There is no charge for using the equipment; however, due to the high demand for its use, the equipment is reserved on a first-come, first-served basis. For more information or to reserve the equipment, visit the court's website or contact the Procurement Department (Western Division, Spring Street Courthouse) at (213)894-7165 or (213)894-6219; Bob Bolton (Western Division, Roybal Federal Building) at (213)894-1837; Benjamin Medina (Southern Division) at (714)338-4748 or Deputy-in-Charge at (714)338-4764; Kory Gray (Eastern Division) at (909)276-6169 or 6170.

**Videoconferencing**

Videoconferencing allows parties at off-site locations to appear at court hearings by way of two-way audio and visual monitors. The appropriate courtroom deputy clerk should be contacted as to whether use of this equipment in the courtroom is permitted for the specific hearing or trial. There are minimal telephone charges but no equipment charges for use of the unit. For more information or to reserve the equipment, visit the court's website or contact the court's Judicial Liaison Officer at (213)894-0222.

**Ordering Transcripts**

District court civil and criminal transcripts may be ordered by making financial arrangements with the individual court reporters. To identify which reporter to contact for a specific in-court matter, please refer to the appropriate docket entry on the civil or criminal docket sheet which is now electronically available on PACER. Transcript orders from magistrate judge courts should be placed with the magistrate judge courtroom deputy clerk. Please refer to the website for the necessary telephone numbers and applicable fees.

**Photocopy Service**



03/11/04 12:50 PM TX/RX NO 82421

Services for Attorneys and the General Public

Effective April 17, 2000, photocopy services will be available from an outside copy service at the Western and Southern Divisions. These copy services will provide public photocopies at a reduced rate within 8 business hours or less. In addition to cash, money orders, and cashier's checks, credit cards will also be accepted. Additionally, billable accounts will be considered for high volume customers. Please note all certifications and exemplifications must be obtained from the clerk's office. For more information, contact Uniscribe (Western Division) at 213-253-9413, or "Uniscribe" (Southern Division) at 714-543-8123.

**WESTERN DIVISION**

U.S. Courthouse

Clerk's Office, Room G-8

312 North Spring Street

Los Angeles, California 90012

(213)894-1565, (213)894-3646

(213)894-4531 (only until 4 p.m.)

(213)894-2215 (emergency filing/information between 4 p.m. - 5 p.m.)

**SOUTHERN DIVISION**

Ronald Reagan Federal Building and U.S. Courthouse

Clerk's Office, Room 1-053

411 West 4th Street

Santa Ana, California 92701-4516

(714)338-4750, (714)338-4751

**EASTERN DIVISION**

United States Courthouse

Clerk's Office

3470 Twelfth Street

Riverside, California 92501

(909)328-4450

12:50 PM 04/11/04 JLT  
Frequently Asked Questions



Central District of California U.S.D.C.

## Optical Scanning Program

Subject:  
Optical Scanning Program

Section:  
Frequently Asked Questions

Last Updated:  
08/26/2002

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

### OPTICAL SCANNING PROGRAM

#### FREQUENTLY ASKED QUESTIONS

- *Can I enroll to receive documents by both fax and email?* No.
- *Will I continue to receive copies by mail if I enroll in the program?* No
- *How do I enroll?* Obtain an enrollment form from the Clerk's Office, a courtroom deputy clerk, through the court's website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) (at the Home page, click on Optical Scanning at the right side), or call (213) 894-5474 and leave your fax number to have an enrollment form faxed to you.
- *Is there a fee to enroll?* No.
- *Do I need to enroll for each case I have?* No, a one time enrollment will automatically enable you to receive documents for all cases in which you are attorney of record, as well as any subsequent cases filed.
- *How do I notify the court if I change my fax number or email address?* Complete an Optical Scanning Enrollment/Update Form G-76 and return it to the address or fax number on the form. Please note that counsel are required by the Local Rules to notify the court of any change in name, address, firm association, fax number or email address as soon as possible. Failure to do so may result in the delay or failure of service of documents. In addition to submitting an Update form, you must notify the Court in writing for each pending case of any change in name, firm association, address, etc. Refer to Local Rule 2.2.7.
- *How much quicker will I receive documents if I enroll in the program?* Generally, documents are faxed or sent by email within minutes from the time they are scanned, whereas if you're not enrolled, it may take a several days to receive it by mail.
- *Who is eligible to enroll?* Only attorneys admitted to practice in the Central District of California, as well as out of state attorneys who have been granted permission to appear in this court are eligible to enroll. Pro se litigants, prisoners, paralegals, secretaries, etc. cannot enroll in the program.
- *Is it possible to enroll a group of attorneys from a firm rather than by individual enrollment?* Yes. Prepare a list with the names of the attorneys enrolling, their California State Bar numbers, and the fax number or email address where documents should be sent to for each attorney. Attach the list to an enrollment form. The completed enrollment form must be signed by an authorized person

<http://156.131.20.219/intranet/Services.nsf/fb0f3e06968824ee882567cf006ae80d/ccd079efi...> 12/1/2003

[2428 ON XR/XL] 09:21 NHT 40/11/00

## Frequently Asked Questions

at the firm.

- **What happens if my fax machine malfunctions?** The system will send the document up to a maximum of five times by fax every half hour. If the fifth transmission attempt is unsuccessful, a copy will be printed and mailed within 24 hours.
- **I'm enrolled but I didn't receive my document by email or fax.** Determine if the document appears on the docket by checking Web Pacer. If the document does not appear on the docket, contact the court clerk for the judge with whom your case is assigned. If the document appears on the docket, contact the Optical Scanning Department at (213) 894-5474.
- **I received a document by fax, but I'm missing one or more pages.** Please call (213) 894-0088. If a document is successfully transmitted by the Optical Scanning Program, but the recipient does not receive all the pages, it is usually due to a problem with the recipient's fax machine, i.e. limited memory, or out of paper, etc. When this occurs, you may want to consider switching over to receive documents by Internet e-mail or upgrade your fax machine.
- **What if my Internet Service Provider (ISP) crashes or is down when a document is transmitted?** The system does not notify the court when an ISP is down. The transmission is considered successful if the document was transmitted to the ISP, even though the ISP may not be able to transmit the document to the recipient.
- **I submitted my enrollment form, but I continue to receive documents by mail.** Notify the Optical Scanning Department at (213) 894-5474.
- **Is there a limitation to the size of document that I can receive by email?** Possibly. Prior to signing up to receive documents by email, contact your Internet Service Provider (ISP) and office automation staff to determine whether there are limitations to the size of attachments that may be received.
- **What do I need to do to ensure I will continue to receive documents if I change firms?** Local Rule 2.2.7 requires that the attorney notify the Court in writing of the change. Until a Notice of Change of Firm has been filed, documents will continue to be sent to your last firm address that was last entered on the docket. However, if you change firms and your former firm retains any cases of the cases in which you were counsel of record on, the Court must be notified of such cases. Otherwise, documents for which you were attorney of record will be sent to you at your new firm address and will NOT be sent to your old firm.
- **I'm enrolled to receive documents by email, but I can't open the document or I'm having trouble viewing the document.** All documents that are e-mailed have previously been scanned into a TIF image format. When a document is sent by the court's Optical Scanning Program, it will arrive to you as an attachment called "USDC-DOC.TIF". Save the attachment, and make sure you remember the path where the image was saved. If you use either Microsoft Windows 95 or Windows 98, below are the steps that will allow you to open, view and/or print the document:

- 1) Click on the **Start** button (at the lower left hand corner of your screen)
- 2) Select **Programs**.
- 3) Select **Accessories**.
- 4) Select **Imaging**. This will open the imaging application.
- 5) Select **File/Open** and specify the document that you saved as above.

If you do not find the Imaging application on your system, it has either not been installed and you can install it from your CD, or you might have an older version of Windows 95 that might not have included this image viewing application. The program can be obtained for free from the Microsoft website.

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Frequently Asked Questions

If you still have difficulty viewing the attachment, call (213) 894-0088.

The court is in the process of providing information that will assist you on its website, which will be available very soon.

<http://156.131.20.219/intranet/Services.nsf/fb0f3e06968824ee882567cf006ae80d/ccd079ef...> 12/1/2003

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TO: 9197899226464

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